

### III. REMARKS


The Examiner has rejected claims 2 and 4-21 under 35 U.S.C. §103(a) as being unpatentable over WO 98/40461 in view of Bergum et al. (US 5,249,227).

It is respectfully noted that WO 98/40461 is not prior art against Applicant's invention. The international Publication date of WO 98/40461 is May 14, 1998. This is after Applicant's earliest priority date of March 18, 1998 (U.S. 60/078,489). Thus, WO 98/40461 is subsequent to Applicant's invention and is not prior art against Applicant's invention.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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19 November 2004  
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# CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 19 November 2004

Signature: Meaghan Baye  
Person Making Deposit